

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

CITY OF DAYTON,

Plaintiff,

vs.

:

Case No. 3:11-cv-383

:

Magistrate Judge Michael J. Newman  
(consent case)

A.R. ENVIRONMENTAL, INC., *et al.*, :

Defendants.

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**ORDER REGARDING SERVICE OF PROCESS**

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The Court has reviewed *pro se* Defendant Alex Penland's Amended Third-Party Complaint<sup>1</sup> pursuant to 28 U.S.C. § 1915(e)(2), and finds, at this early juncture in the litigation, that dismissal of that pleading is not warranted. Therefore, the United States Marshal ("USM") is **ORDERED** to make service of process in this case under Fed. R. Civ. P. 4(c)(3) as follows:

1. The Clerk is **ORDERED** to mail Defendant Penland the required Summonses and USM Form 285's to serve the eight (8) named Third-Party Defendants.

2. Upon receipt of properly completed Summonses and USM Form 285's, the United States Marshal is **ORDERED** to serve copies of Documents 1, 12 and 33 on the following named Third-Party Defendants: C2 Diversified, Max Fuller, Steve Rauch Incorporated, Fitzgerald Murraine, Bill Oconnel, Michael Johnson, Michael Cromartie, and Mark Muller.

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<sup>1</sup>Defendant Penland first filed an "Amended Complaint for Cross Claims and Relief," which the Court liberally construed to be a Third-Party Complaint. *See* doc. 12. He also filed a "Second Amended Complaint," which the Court liberally construed as an Amended Third-Party Complaint. The subsequent pleading incorporated earlier pleadings, and added additional claims and facts. *See* docs. 12, 33. The Court reviewed both pleadings in its 28 U.S.C. § 1915 review.

3. All costs of service shall be advanced by the United States.

**IT IS SO ORDERED.**

April 5, 2012

s/ **Michael J. Newman**  
United States Magistrate Judge